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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR        | ATTORNEY DOCKET NO.          | CONFIRMATION NO. |
|---|-------------|-----------------------------|------------------------------|------------------|
| 10/628,561  | 07/29/2003  | Karsten Schulz              | 13909-026003 /<br>2002P00222 | 4018             |
| 32864 7590 01/28/2010<br>FISH & RICHARDSON, P.C.<br>PO BOX 1022<br>MINNEAPOLIS, MN 55440-1022 |             |                             |                              |                  |
| EXAMINER<br>MANSFIELD, THOMAS L   |             |                             |                              |                  |
| ART UNIT<br>3624  |             | PAPER NUMBER                |                              |                  |
| NOTIFICATION DATE<br>01/28/2010   |             | DELIVERY MODE<br>ELECTRONIC |                              |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

|   |                        |                     |  |
|---|------------------------|---------------------|--|
| <b>Examiner-Initiated Interview Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|   | 10/628,561             | SCHULZ ET AL.       |  |
|   | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|   | THOMAS MANSFIELD       | 3624                |  |

  

**All Participants:**

(1) THOMAS MANSFIELD, Examiner.

(2) Ryan McCarthy, Applicants' Representative.

**Date of Interview:** 19 January 2010

**Type of Interview:**

☒ Telephonic

☐ Video Conference

☐ Personal (Copy given to: ☐ Applicant    ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes    ☒ No

If Yes, provide a brief description: \_\_\_\_\_

**Part I.**

Rejection(s) discussed:

*35 USC: double-patenting, 101 non-statutory, 112, second paragraph vague and indefinite*

Claims discussed:

*Independent Claims 1, 37, 38*

Prior art documents discussed:

*None*

**Part II.**

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

*See Continuation Sheet*

**Part III.**

☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

/Thomas Mansfield/  
Examiner, Art Unit 3624

**Status of Application:** Notice of non-compliant amendment

(3) \_\_\_\_\_

(4) \_\_\_\_\_

**Time:** 10:30 am

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Mr. Mansfield initiated the interview to discuss minor issues within the instant application for possible allowance. Mr. Mansfield stated that a terminal disclaimer would be necessary to overcome any issues for the double-patenting rejection currently pending. Mr. Mansfield suggested that a supplemental amendment should be filed in response to the current notice of non-compliant amendment to provide possible claim amendments to overcome the current 35 USC 101 non-statutory rejection of independent Claim 1 and lack of utility rejections for independent Claims 37 and 38. Additionally, Mr. Mansfield indicated that in order to overcome 35 USC 112, second paragraph rejections for independent claim 1, 37, and 38, that an amendment would be necessary to further define the limitation, "desired" for the results obtained in these claim limitations.